

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: LINTZ SUBDIVISION

Case Number: PLD2004-00073, SEP2004-00134, WET2004-00029

Parcel Number(s): Tax Lot 139 (156791), located in the SE ¼ of Section 7, Township 2 North, Range 2 East of the Willamette Meridian.

Request: The applicant is requesting a preliminary plat approval to subdivide approximately 3.08 acres into 7 single-family lots in the R1-6 Zoning District.¹ The applicant proposes to use the provisions of CCC 40.220.010 (C) (5) (Density Transfer).

Applicant: Edward & Terasue Lintz
6418 NE 58th Street
Vancouver, WA 98661
(360) 693-9153

Property Owner(s): (Same as Applicant)

Applicant's Contact: Olson Engineering, Incorporated
Attn.: Gayle Bennett
1111 Broadway
Vancouver, WA 98660
(360) 695-1385, E-mail: Gayle@olsonengr.com

Location: 6418 NE 58th Street

Area: Approximately 3.08 acres

RECOMMENDATION DENIED

Team Leader's Initials: _____ Date Issued: October 25, 2004

Public Hearing Date: November 9, 2004

¹ The GIS Mapping system provided by the county indicates that the site is approximately 2.96 acres, and actual survey indicates 3.08 acres that is used by staff in this report.

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Engineer (Trans. and Stormwater):	Ken Carlson	4881	Ken.carlson@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineer Supervisor (Trans. and Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential (UL)

Zoning: Single Family Residential District (R1-6)

Applicable Laws:

Clark County Code Chapters 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 40.450 (Wetlands), 15.12 (Fire Code), 40.570.080 (SEPA), 40.220.010 (R1-6), 40.220.010 (C) (5) (Density Transfer), 40.610 (Impact Fees), 40.370.010 (D), (Sewer Connection, 40.370.020 (D), (Water Connection), 40.540.040 (Land Division), 40.570.080 (C) (3) (k), (Archaeology), 40.310 (Signs)

Neighborhood Association/Contact:

No Mapping; but a courtesy notice has been sent to:
Art Stubbs, Vice Chair
Neighborhood Advisory Committee of Clark County (NACCC)
6804 NE 86th Court
Vancouver, WA 98662

Time Limits:

The application was submitted and determined to be counter-complete on August 11, 2004. The application was determined to be fully complete on September 1, 2004 (see Exhibit No.9). Therefore, the county code requirement for issuing a decision within 92 days will lapse on December 2, 2004. The State requirement for issuing a decision within 120 calendar days will lapse on December 28, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application

is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 27, 2003. The pre-application was determined to be contingently vested as of February 6, 2003. A pre-application conference waiver was granted to the applicant on March 10, 2004, because the conditions on the site have not changed.

The fully complete application was submitted on August 11, 2004, and determined to be fully complete on September 1, 2004. Given these facts the application is vested on August 11, 2004, the date the fully complete application was submitted for review. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on September 15, 2004. There is no recognized neighborhood association in the area, but a courtesy notice was sent to the Neighborhood Advisory Committee of Clark County (NACCC). One sign was posted on the subject property and two within the vicinity on October 27, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on October 25, 2004.

Public Comments:

The county received letters from Al Christenson (Exhibit 13), Darrel and Estrella Marugg and the Law Offices of John Karpinski (Exhibit 15) regarding this application. The letters raise the following issues:

- A. Traffic on NE 58th Street;
- B. The impact from the construction of the private driveway that provides access to the site and three other dwellings in the area;
- C. Potential adverse possession claim against the applicant because a neighbor's cyclone fence is located within the access easement; and,
- D. Potential impacts to wetland on the property.

Staff's Response:

- A. Traffic: Potential traffic impacts from this development are addressed by Engineering Services Staff. Staff understands that there is a traffic concern on NE 58th Street because drivers on that street tend to drive fast. Some drivers do not observe the 30-mile per hour posted speed limit on NE 58th Street, thereby creating safety problems for pedestrians and other drivers. The neighbors need to organize and work with the Sheriff's Department to monitor and enforce traffic flow and the posted speed limit on NE 58th Street.
- B. When Mr. and Mrs. Lintz constructed the private driveway, they placed some fill materials to raise the driveway. This action impacted the neighbors residing at 6416 NE 58th Street on the eastern section of their house. Engineering Services will require that the street be properly designed and constructed so that when the construction is completed, the neighbors will enjoy the same access rights that they hitherto, had enjoyed.

- C. John Karpinski, counsel for Darrel and Estrella Marugg wants the county to deny the plat because of potential adverse possession claims. The Prosecuting Attorney's Office had advised in the past that an adverse possession claim is a civil matter that should be resolved in a court of law. State Laws require that if there is an adverse possession claim against a proposed plat, the plat shall not be recorded until the adverse possession claim is resolved. (See additional discussion under Land Use Finding 4 on page 7 and Condition of approval A-2)
- D. The Wetland Biologist has evaluated this development for compliance with the applicable sections of the code, CCC 40.450 (Wetlands Protection Ordinance). (See the analysis under Critical Lands on pages 7 through 8 and the conditions of approval A-3 through A-4, D-5 and E-6)

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 3.08 acres into 7 lots in the R1-6 Zoning District using the provisions of CCC 40.220.010 (C) (5) (Density Transfer). There is one house and three sheds on the site that will be retained on the proposed Lot 7.

The R1-6 Zoning District permits a single-family dwelling on an average minimum lot area of 6,000 square-feet and an average maximum lot size of 8,500 square feet. The following table shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low (UL)	Single Family Residential R1-6	The site is relatively flat and has some trees, shrubs and grass. A shared private driveway connects the site to NE 58 th Street to the south.
North	Mixed Use (MU)	Light Industrial (ML)	Vacant undeveloped industrial property.
East	UL	R1-6	Single-family residential dwellings.
South	UL	R1-6	Single-family residential dwelling.
West	UL	R1-6	Vacant undeveloped residential property.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro loam (HIB) and Semiahmoo muck, shallow variant on slopes ranging from zero to 3 percent. Maps from Clark County's GIS Mapping System indicate that the site contains some wetlands and floodway fringe along its northern and western sections.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Vancouver School District, Orchards Traffic Impact Fees District, and Parks Improvement District 7. The City of Vancouver provides public sewer and public water services in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Zoning - Density Transfer, CCC 40.220.010 (C) (5):

Finding 1

The development site is approximately 3.08 acres. If the proposed development were to occur at the minimum density permitted by the R1-6 zone, then the gross acreage could be divided into 15 lots, with a maximum average lot area of 8,500 square feet. But, if the development were to occur at the maximum density, then the gross acreage could be divided into 22 lots, with a minimum average lot area of approximately 6,000 square feet. The applicant proposes 7 lots with a maximum average lot area of approximately 8,565.71 square feet.

The existing single-family dwelling that will be retained on Lot 7 is exempt from complying with the minimum or maximum average lot area [per CCC 40.200.050 (B), Exceptions to lot size standards for existing lots of record]. Based upon this exception; therefore, staff finds that the proposal could comply with the density in the R1-6 Zoning District.

Under normal circumstances, the proposed development would be required to comply with the development standards shown in Tables 40.220.010-2 and -3. The applicant is

using density transfer because the site contains known Category 4 wetland that will be preserved; and CCC 40.220.010 (C) (5) permits the applicant to transfer the density that would otherwise be lost from the wetland areas to the unencumbered land areas on the same site. Therefore, the development will need to comply with the standards shown in Table 40.220.010-4 (Density Transfer).

Table 2: Table 40.220.010-4 (Density Transfer)

Classification	Maximum Density ² (d.u./acre)	Minimum Useable Lot Area ³ (square feet)	Average Lot Width ⁴ (feet)	Average Lot Depth ² (feet)
R1-6	5.8	2,500	40	50

Finding 2

Staff finds that the following requirements of density transfer have been satisfied by this development proposal:

1. All lots could comply with the density transfer standards, which require perimeter lots to be at least 5,400 square feet each (or 90 percent) of the minimum lot area for the subject parcel. Lots 1, 5 and 6 are fairly large interior and abut a designated wetland buffer; and Lot 7 contains the existing single-family dwelling. Lots 2, 3 and 4 are internal lots, each with lot areas that met the intent of the code. Therefore, the applicant shall revise the plat to demonstrate that Lots 1 through 4 can comply with the applicable density transfer standard. (See condition of approval A-1)

Lot 7 is a half-acre home site with an area of approximately 21,060 square feet, which could be further divided into smaller lots. Therefore, any development proposal on Lot 7 that involves land division shall:

- a. Preclude the use of Residential In-Fill standards, CCC 40.260.110 because Lot 7 was created by Lintz subdivision after October 2, 2002; and,
 - b. Preclude the use of the provisions of CCC 40.200.050 (Exceptions to lot sizes). A note shall be placed on the final plat stating this. (See conditions of approval D-1 and D-2)
2. The minimum lot depth of each lot proposed is 80 percent of the minimum lot depth of the subject parcel; and the minimum lot width is 80 percent of the minimum lot depth of the subject parcel. Therefore, the proposed lots comply with the lot depth requirements of CCC 40.220.010 (C) (5) (b).
 3. Each lot proposed satisfies the lot width standards shown in Table 40.220.010-4.

² The maximum density listed is for the purpose of calculating maximum densities to be transferred and is only provided for that area from which the density is being transferred. The maximum densities listed are based upon dividing gross acres by the minimum lot size in the zone and minus twenty percent (20%) which would normally be devoted to public road right-of-way in a typical subdivision.

³ Minimum useable area is that portion of the lot which is unencumbered by the land voluntarily set aside, environmentally sensitive lands to be protected and their respective buffers, and shall exclude yard setbacks and easements. [Example: A typical five thousand (5,000) square foot lot would have three thousand (3,000) square feet of useable area, even if unencumbered by environmentally sensitive lands.]

⁴ May be reduced subject to the provisions of this chapter and the variance procedures.

4. The density transfer provisions of the code are not being used in conjunction with either the provisions of CCC 40.520.080 (Planned Unit Developments), or CCC 40.260.110, (Residential In-Fill).
5. A recorded covenant shall be placed on the habitat conservation zone and other sensitive lands from which density is being transferred, prohibiting any future developments of these areas in perpetuity, CCC 40.220.010 (5) (b) (6). (See condition of approval D-3)

Buffer to Industrial Property

Finding 3

The property to the north is zoned light industrial, and the applicant has demonstrated that this development could provide adequate setback and buffering consistent with the applicable sections of the code. Therefore no condition of approval is necessary.

Adverse Possession

Finding 4

Any adverse possession claim against this development proposal shall be resolved prior to final plat recording (see additional discussion under Public Comments and condition of approval A-2).

CRITICAL AREAS:

Only major issues that require conditions and/or revisions to the proposed plans to ensure compliance with the requirements of the Wetland Protection Ordinance (CCC 40.450) are discussed in detail below:

Finding 1

Compliance with CCC 40.450 will ensure that the project has no significant environmental impacts to wetlands (see SEPA Determination, p. 14).

Finding 2

Staff concurs with the June 2003 wetland evaluation report prepared by Environmental Technology Consultants (Exhibit 8). The site contains a Category 4 wetland with 50 ft. Type D buffers characterized by an open drainage ditch within a grass field.

Finding 3

The applicant proposes to fill 0.7 acres (3,225 sq. ft.) of wetland and create 0.09 (4,039 sq. ft.) acres of new Category 4 wetlands adjacent to the existing wetland (see Figure 4, Exhibit 8). The proposed wetland fill complies with the 1.25:1 replacement ratio required under CCC 40.450.040 (D) (2) (b).

Finding 4

The proposed buffer averaging does not comply with CCC 40.450.040 (C) (2) (b). While the buffer total area appears to be replaced, the extension of buffer on the north side of proposed Lot 1 (see Figure 5, Exhibit 8) does not provide wetland buffer that is functionally equivalent to the buffer that will be reduced. Specifically, the physical location of the compensation area cannot replace the water quality function wetland buffer located directly adjacent to the wetland. The proposed reduction will therefore

result in a loss of wetland buffer function. The configuration of the compensation areas and Lot 1 must be revised to provide functionally equivalent wetland buffer.

Finding 5

The proposed stormwater facility located within the wetland buffer must comply with the standards in CCC 40.450.040 (C) (4). The Final Enhancement/Mitigation plan and Engineering Construction plans must demonstrate that the facility will meet these standards.

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary land division and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance, PROVIDED that conditions of approval A-2 through A-4, D-5 and E-6 are met.

TRANSPORTATION CONCURRENCY:

Finding 1

This 7-lot subdivision does not trigger compliance with the applicable sections of the Transportation Concurrency Ordinance.

TRANSPORTATION:

Circulation Plan

Finding 1

The applicant is proposing a private cul-de-sac road between NE 64th Avenue and NE 66th Avenue. Staff finds that this proposed private road would be an acceptable access which will service the interior of this project. There are constraints that keep this roadway from circulation to the east and therefore staff finds that this proposal complies with the standard.

Roads

Finding 2

NE 58th Street is classified as a 2-lane Collector (C-2). The minimum frontage improvements and dedication along this roadway in accordance with CCC 40.350, Standard Drawing #12, include:

- A minimum half-width right-of-way of 30 feet.
- A minimum half-width roadway of 19 feet.
- Curb, gutter and a minimum 6 foot wide detached sidewalk
- 15:1 taper both east and west from private road accessing NE 58th Street

The project shall dedicate the required right-of-way in addition to the required intersection improvements.

Finding 3

The applicant proposes a north/south private cul-de-sac road to access this project from NE 58th Street. The minimum improvements and easements in accordance with CCC 40.350.030.B.10 includes:

- A minimum curb to curb and roadway width of 20 feet
- A 5-foot wide pedestrian public access easement
- No parking allowed on roadway widths of 20 feet

The project shall provide easements in addition to the required road improvements.

Joint Driveways

Finding 4

A maximum of three legal lots may use a joint driveway to access a public or private road. Staff finds that Lots 1, 2 & 3 are serviced from a joint driveway; therefore it complies with the standard.

Road Modifications

Finding 5

There were no road modifications submitted with this application. Staff finds that a private road is being proposed to be constructed in place of an existing driveway. In order to construct this private road, staff finds it creates a spacing and safety concern with driveways along NE 58th Street which is a collector roadway. Staff finds that this does not comply with the standards.

Sight Distances

Finding 6

Staff finds that the posted speed along NE 58th Street is 30 MPH. The materials submitted with this proposal do not provide sufficient evidence for staff to evaluate whether or not this development complies with sight distance standards of 300 feet. The access from NE 58th Street to this development slopes down to the north and there is trees to the east which creates additional concerns from staff for sight distance concerns.

Pedestrian/Bicycle Circulation

Finding 7

All sidewalks, driveway aprons, and road intersections shall comply with the Americans with disabilities act.

Landscape Plan

Finding 8

Landscaping along NE 58th Street, a collector shall comply with Appendix G of the Transportation Standards.

Intersection

Finding 9

This project will be required to install a physical demarcation such as a concrete driveway approach to separate the private roads from NE 58th Street in order to facilitate determination of the ownership and maintenance responsibilities.

Conclusion

Based upon the development site characteristics, the proposed preliminary transportation plan and the requirements of the County's transportation ordinance, staff concludes that the proposed preliminary transportation plan subject to Finding 5 is not feasible. Therefore, the requirements of the preliminary plan review criteria are not satisfied and the proposed subdivision plat should be denied.

STORMWATER:

Applicability

Finding 1

Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000, apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area; The platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.350.030(B) (4).

This project will create more than 2,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section 40.350.030 (B) (4), Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to the erosion control ordinance.

Stormwater Proposal:

Finding 2

The preliminary stormwater plan proposes a drainage facility to accommodate runoff from proposed impervious surfaces created with this development. The quantity and quality control will be contained in an onsite drainage facility and privately owned and maintained. Maintenance will be performed in accordance with Clark County Public Works guidelines.

Finding 3

The proposed stormwater facility will be located along the west edge of the proposed lots within the wetland buffer in the center of the site. The proposed biofiltration swale is 6 feet wide x 112 feet long with a longitudinal slope of 1%.

The proposed BMP's for this project are Biofiltration Swale and a Detention Pond in accordance with CCC 40.380.

The proposed detention pond has base dimensions of approximately 6.5 – 12 feet long and a volume of approximately 9,245 cubic feet. New impervious area includes approximately 0.35 acres of new roof area, and approximately 0.45 acres of new road, driveways and sidewalks.

Site Conditions and Stormwater Issues:

Finding 4

The on site soils consist of Hillsboro Silt Loam (HIB) on 68% of the site where the lots are being proposed. These soils are classified by AASHTO as A-4 soils. Stormwater and Erosion Control Ordinance 40.380, does not list A-4 Soils as suitable for infiltration. There are slopes on the site from 0% to 15%.

Erosion Control

Finding 5

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020.

Flood Control

Finding 6

Portions of the site fall within the 100-year floodplain as indicated on the preliminary plat. A floodplain application will need to be submitted with the final engineering.

FIRE PROTECTION:

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360)759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See condition of approval A-5)

Finding 3

Fire flow in the amount of 1000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. Information from the City of Vancouver (Exhibit 6, Tab 11) indicates that the required fire flow is available at the site (see condition of approval A-6)

Finding 4

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a hydrant as measured along approved fire apparatus access road. (See condition of approval A-7)

Finding 5

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to

arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See condition of approval A-8)

Finding 6

The roadways and turnarounds as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See condition of approval A-9)

Finding 7

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See condition of approval C-1)

Finding 8

The applicant shall comply with the Fire Marshal's requirements consistent with the applicable sections of the Uniform Fire and International Building Codes. (See condition of approval C-2)

WATER & SEWER SERVICES:

Finding 1

The City of Vancouver provides public sewer and water services in the area. The applicant has provided a letter from the City of Vancouver confirming that the services are available to the site (see Exhibit 6, tab 11). The applicant shall provide the necessary improvements and connect each new lot (including the existing dwelling on lots 7) to public water and sewer services provided by the City of Vancouver. (See condition of approval C-3)

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to Occupancy Permit Issuance). The Health Department Evaluation Letter will confirm that the Health Department has conducted an evaluation of the site to determine whether existing wells and/or septic systems are present on the site; and whether any structures on the site are hooked up to public water and/or sewer. The Health Department's Final Approval Letter will confirm that all existing wells and/or septic systems have been properly abandoned, inspected, and approved by the Health Department (if applicable). (See condition of approval E-5).

Other Health Concerns

Finding 3

The house and storage buildings will be retained on Lot 7. If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof

of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-10)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 7, Vancouver School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district. There is one single family dwellings on the proposed Lot 7 that qualifies for impact fees credit, therefore, park, school, and traffic impact fees will be assessed on 6 of the proposed 7 lots in this development.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 7 that is exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 6 new single-family dwellings in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-1)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is October 25, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 8, 2004.

Public Comment Deadline:

November 8, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$175**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834.

Responsible Official: Michael V. Butts
Department of Community Development
1300 Franklin Street

P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **DENY** this request, because as proposed, it cannot comply with the applicable sections of the Transportation and Stormwater and Erosion Control ordinances.

Conditions of Approval

A Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.029.370.

Land Use - Zoning

- A-1** The development shall comply with the applicable density transfer standard regarding the minimum useable lot area, minimum lot depth and minimum lot width. (See Land Use Finding 2)
- A-2** The applicant shall resolve any adverse possession claims resulting from the cyclone fence encroaching onto the access easement prior to final plat recording (see Land Use Finding 4).

Critical Areas - Wetlands

- A-3** Final Wetland Permit approval shall be required (standard wetland permit condition).

- A-4** The proposed buffer averaging adjacent to Lot 1 shall be revised to provide functionally equivalent wetland buffer (see Wetland Finding #4).
- A-5** The Final Enhancement/Mitigation plan and Engineering Construction plans shall clearly demonstrate that the proposed stormwater facility located within the wetland buffer complies with the standards in CCC 40.450.040 (C)(4) (see Wetland Finding #5).

Transportation

(Reserved)

Stormwater and Erosion Control

(Reserved)

Fire Protection

- A-6** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)
- A-7** Fire flow in the amount of 1000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. Information from the City of Vancouver (Exhibit 6, Tab 11) indicates that the required fire flow is available at the site (see Fire Protection Finding 3).
- A-8** Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a hydrant as measured along approved fire apparatus access road. (See Fire Protection Finding 4)
- A-9** Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Fire Protection Finding 5)
- A-10** The roadways and turnarounds as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding A-6)

Water and Sewer Services

- A-11** *This condition is advisory only:* If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology,

and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Water and Sewer Services Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

Stormwater and Erosion Control

(Reserved)

Impact Fees

B-1 *The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, except for Lot 7 that is exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 6 new single-family dwellings in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated , and expiring on . Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Impact Fees Finding 1)

C. Conditions that must be met prior to issuance of Occupancy Permits

Fire Protection

C-1 Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (Fire Protection Finding 7)

C-2 The applicant shall comply with the Fire Marshal's requirements consistent with the applicable sections of the Uniform Fire and Uniform Building Codes. (See Fire Protection Finding 8)

Water & Sewer Services

C-2 The applicant shall provide the necessary improvements and connect each new lot and the existing dwelling on Lot 7 to public water and sewer services provided by the City of Vancouver. (See Water & Sewer Finding 1)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Land Use - Zoning

A development proposal on Lot 7 that involves land division shall:

"Preclude the use of Residential In-Fill standards, CCC 40.260.110 because Lot 7 created by Lintz subdivision after October 2, 2002." (See Land Use Finding 2)

D-2 A development proposal on Lot 7 that involves land division shall:

"Preclude the use of the provisions of CCC 40.200.050 (Exceptions to lot sizes)." (See Land Use Finding 2)

D-3 A recorded covenant shall be placed on the habitat conservation zone and other sensitive lands from which density is being transferred, prohibiting any development of these areas in perpetuity, CCC 40.220.010 (5) (b) (6). (See Land Use Finding 2)

D-4 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-5 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this Plat." (See Critical Areas Finding)

D-6 Mobile Homes:

"The placement of mobile homes is prohibited."

D-7 Impact Fees:

"In accordance with CCC 18.65, except for Lot 7, designated on the final plat as waived, the Park, School and Traffic Impact Fees for each of the remaining 6 new dwellings in this subdivision are: \$1,885.00 (\$1,445.00 - Acquisition; \$440.00 - Development for Park District 7), \$1,725.00 (Vancouver School District), and \$1,342.19 (Orchards TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-8 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-9 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater / drinking supply protection."

D-10 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-11 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Final Construction Plan Review:

E-3 Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.

E-4 Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Water Wells and Septic Systems:

E-5 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to the Issuance of an Occupancy Permit).

E-6 Wetlands:

The requirements of CCC Section 40.450.030 (E) (4) shall apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence;
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

E-7 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-8 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-9 Erosion Control:

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-10 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-11 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-12 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-13 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030 (H) of the Clark County Code. If multiple parties file a single petition for

review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>